

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
April 19, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 9:00 A.M. on April 19, 2010 in Board Room 4, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Patricia M. Selig, R.N., F.N.P., Ph.D, President
Peregrin C. Francisco, R.N., M.S.A.
Brenda L. Hale, R.N.
Jeanne Holmes, Citizen Member
John M. Horn, L.P.N.
Karen Schultz, M.B.A.; Ph.D, Citizen Member

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Brenda Krohn, R.N., M.S., Deputy Executive Director
Jodi P. Power, R.N., J.D., Deputy Executive Director
Donna Lee, Senior Discipline Specialist

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Students from Southside Virginia Community College

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Ogugua Anagbogu, C.N.A. 1401-071986
Mr. Anagbogu appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Andria Christian, Senior Investigator, Department of Health Professions; Angie Chambliss, R.N., Crump Manor; Brenda Fletcher, L.P.N.; Kendall Fleming, C.N.A.; Linda Auguste, C.N.A.; Debra Bryant, President of Union, Crump Manor; and Nancy Parker, Assistant Director of Nursing, Crump Manor were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:02 A.M., for the purpose of deliberation to reach a decision in the matter of Mr. Anagbogu. Additionally, Ms. Hale moved that Ms. Krohn, Ms. Power, Ms. Lee and Mr. Casway attend the

closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 11:15 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

ACTION: Dr. Schultz moved that the Board of Nursing dismiss the case in the matter of Ogugua Anagbogu due to insufficient evidence of a violation of law or regulation governing nurse aide practice.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the decision of this formal hearing panel.

Ms. Douglas joined the meeting.

FORMAL HEARINGS: **Gina Swaffield, R.N. 0001-210210**
Ms. Swaffield did not appear.

Amanda Mitchell, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Tonya James, Compliance Case Manager, Department of Health Professions; and Alan McDonald, Investigator, Department of Health Professions were present and testified.

Ms. Krohn left the meeting.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 11:45 A.M., for the purpose of deliberation to reach a decision in the matter of Ms. Swaffield. Additionally, Ms. Hale moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:05 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Mitchell and amended by the Board. The motion was seconded and carried unanimously.

ACTION:

Ms. Francisco moved that the Board of Nursing revoke the right to renew the professional nursing license of Gina Swaffield. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Douglas left the meeting.

FORMAL HEARINGS:

Teri Jo Craft, L.P.N. 0002-072513

Ms. Craft did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions; and Martha Ann Spruill, Senior Case Manager, Health Practitioners Monitoring Program were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:25 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Craft. Additionally, Ms. Hale moved that Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 12:35 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones. The motion was seconded and carried unanimously.

ACTION:

Ms. Francisco moved that the Board of Nursing revoke the practical nursing license of Teri Jo Craft. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 12:37 P.M.

RECONVENTION: The Board reconvened at 1:20 P.M.

Ms. Douglas rejoined the meeting.

FORMAL HEARINGS: **Sandra F. Carver, L.P.N. Reinstatement Applicant**
Ms. Carver appeared, accompanied by attorney, John Mann.

Ms. Hale recused herself from the panel and did not participate in the hearing.

Wendell Roberts, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Sandra Barton, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Ms. Francisco moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 2:16 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Carver. Additionally, Ms. Francisco moved that Ms. Douglas, Ms. Power, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

Ms. Douglas left the meeting.

RECONVENTION: The Board reconvened in open session at 3:00 P.M.

Ms. Francisco moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Roberts and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing reinstate the practical nursing license of Sandra Carver and issue an unrestricted license.
The motion was seconded and carried. Dr. Selig, Ms. Francisco and Mr. Horn were in favor of the motion. Dr. Schultz and Ms. Holmes opposed the motion.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

Ms. Hale rejoined the panel and Ms. Krohn re-joined the meeting.

RECESS: The Board recessed at 3:00 P.M.

RECONVENTION: The Board reconvened at 3:15 P.M.

FORMAL HEARINGS: **Krishna K. Rumburg, R.N. 0001-196426**
Ms. Rumburg did not appear.

David Kazzie, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Denise Sexton, Senior Investigator, Department of Health Professions; Jean Black, L.N.P., Mountain Springs Family Practice; and Daniel Freeman, R.N., Unit Director, Emergency Department, Carilion Roanoke Memorial Hospital were present and testified.

CLOSED MEETING: Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:10 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Rumburg. Additionally, Ms. Hale moved that Ms. Power, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:21 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Kazzie and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Hale moved that the Board of Nursing indefinitely suspend the professional nursing license of Krishna Rumburg for a period of not less than two years and until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice.
The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS:

Mourine A. Onyango, R.M.A. 0031-003213

Ms. Onyango did not appear.

Tammie Jones, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Lynn Taylor, court reporter, recorded the proceedings.

Lisa Olifant, Senior Investigator, Department of Health Professions; Wanda Peerman, L.P.N., Heritage Green Assisted Living; Lorene Pickrel, C.N.A., R.M.A., Heritage Green Assisted Living; and Jacqueline Dougher, C.N.A., Heritage Green Assisted Living were present and testified.

CLOSED MEETING:

Ms. Hale moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:58 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Onyango. Additionally, Ms. Hale moved that Ms. Power, Ms. Krohn, Ms. Lee and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:13 P.M.

Ms. Hale moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Dr. Schultz moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Jones and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Ms. Holmes moved that the Board of Nursing indefinitely suspend the medication aide registration of Mourine Onyango until such time as she is able to appear before the Board and provide sufficient evidence that she is safe and competent to practice.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:15 P.M.

Jodi P. Power, R.N., J.D.
Deputy Executive Director